FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by Kenneth R. Harris for that property known as 13123 Patuxent Road in the Oliver Beach section of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot, in lieu of the required 10 ft., for a proposed one story garage and breezeway addition, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3 day of March, 1993 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of, 1 foot in lieu of the required 10 ft., for a proposed one story garage and breezeway addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason. this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

3. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall

contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ZONING COMMISSIONER FOR BALTIMORE COUNTY **Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 3, 1993

Mr. Kenneth R. Harris 13123 Patuxent Road Baltimore, Maryland 21220

> RE: Petition for Administrative Variance Case No. 93-247-A 13123 Patuxent Road

Dear Mr. Harris:

LES:mmn

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13123 Patuxent Road which is presently soned DR 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

1802.3.C.1 to permit a side yard setback of 1 foot in lieu of the required 10 feet

hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The basis for this request is a product of three (3) conditions; first the back portion of the rear yard falls within the Critical Area/CBCA (LDA) of the Gunpowder River (see attached zoning map), secondly, between the Critical Area and the existing dwelling stands several major 10" to 16" trees, the value of matured trees for me and the neighborhood should be considered (see pictures), and finally, without the convenience and safety of an attached garage with protection from the elements to the existing dwelling door would create a hardship as I or any owner ages.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition.			
Contract Purchasser/Lesses: N/A			Legal Owner(s):			
			Kenneth R. Harris			
(Type or Print Name)			(Type or Print Name)			
			Hemsth R. Hanin			
Signature			Signature			
			N/A			
Address			(Type or Print Name)			
Zity	State	Zipcode	Signature			
Morney for Petitioner:			13123 Patuxent Road (410) 335-3982			
(Type or Print Name)			Address Phone No.			
			Baltimore, MD 21220			
Signature			City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.			
			Kenneth R. Harris			
Address	Phone No		Name (410) 335-3982			
City	State	Zipcode	13123 Patuxent Rd., Baltimore, MD 212			
			need by the Loning Commissioner of Bottimore County, thisday of			
mai me suaject maner or mis circulation: throughout Ballim			us required by the control requirements or equilibries County, it is no newspapers or general			
			Ioning Commissioner of Baltimore County			

ESTIMATEC POSTING DATE: 2-15-93

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimere County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at ___ 13123 Patuxent Road Baltimore Maryland

That based upon personal knowledge, the following are the facts upon which l/we base the request for an Administrative Variance at the above address: (indicate herdehlp or practical difficulty)

The basis for this request is a product of three (3) conditions; first the back portion of the rear yard falls within the Critical Area/CBCA (LDA) of the Gunpowder River (see attached zoning map), secondly, between the Critical Area and the existing dwelling stands several major 10" to 16" trees the value of matured trees for me and the neighborhood should be considered (see pictures), and finally, without the convenience and safety of an attached garage with protection from the elements to the existing dwelling door would

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to psy a reposting and advertising fee and may be required to provide additional information. Kennth R. Hanis Kenneth R. Harris STATE OF MARYLAND. COUNTY OF BALTIMORE, to wit:

Genneth Q. Larria the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made onth in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Scal.

create a hardship as I or any owner ages.

93-247-A ZONING DESCRIPTION FOR 13123 PATUXENT ROAD

-3**-**

Beginning at a point on the east side of Patuxent Road which is 50'-0" (R/W) wide at the distance of 600'-0"+/- northeast of the centerline of the nearest improved intersection street named Oliverwood Road, which is 50'-0" (R/W) wide. As recorded in Deed Liber (#5946), folio (#502), N. 41 deg., 34'E, 100.0 ft., S. 48 deg., 26'E, 200.0 ft., S. 41 deg. 34'W., 100.0 ft., S. 48 deg., 26' E, 200.0 ft. to the place of beginning, containing 20,000 square feet. Also known as 13123 Patuxent Road and located in the 15 Election District.

93-747-A

CERTIFICATE OF POSTING

Posted for:					
Petitioner:	nneth	Si Har	?/ \$!====================================		
Location of property	SFIS	(13123)	Patuxont K	<i>L</i> , .	600' MET Chirmin RI
I acution of Signa	Facure	700 3 1100	0 0	Ĺ	of fatitioners
Location of Signer		y and a second	- 8-71 F- 22 F-	Y 2 /	J. J. J. J. C. W. S. Y.
Remarks:		********			
Posted by	mill 1		Date of		2/12/93

and the same of the same of the same of the same of Baltimere County Zoning Administration & Development Management 111 West Chesopeake Avenue Harris Ken R. Residential (ADMN) Variance Filing fee 50° Sign + posting 550°

Zoning Administration & Development Management

Account: R-0(1-6150

11-5-11-5-54-5 ERICE 2000 - CONTINU MARTANCE FIRE \$650 (C) USEC - FUSTING SIGNS / ADVERTISING I LAST NAME OF DESIGN TO BESTS.

Please Make Checks Fayable To: Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

February 16, 1993

(410) 887-3353

Mr. Kenneth R. Harris 13123 Patuxent Road Baltimore, MD 21220

> RE: Case No. 93-247-A, Item No. 262 Petitioner: Kenneth R. Harris Petition for Administrative Variance

Dear Mr. Harris:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

2-12-93

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County
Item No.: * スピヌ (ブブ5)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717 BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: Feb 18, 1993

93.886

Mr. Arnold Jablon, Director Office of Zoning Administration

Rahee J. Famili SUBJECT: Z.A.C. Comments

z.a.c. MEETING DATE: Feb. 8, 1993

and Development Management

There are no Comments on item number, 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267 and 268

Rahee J. Famili

RJF/lvd

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: February 12, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 254, 256, 259, 263, 262, 267, 268, 261.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/lw

254.ZAC/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road, Suite 901 Towson, MD 21286 5500

(410) 887-4500

FEBFUARY 18, 1993

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Froperty Owner: KENNETH R. HARRIS

Location: #13123 PATUXENT ROAD

Item No.: * 262 (JJS) Zoning Agenda: FEBRUARY 8, 1993

Gentlemen:

Printed on Recycled Paper

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JP/KEK

93-247-A

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

DATE: February 22, 1993

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management

FROM: J. Lawrence Pilson &

Development Coordinator, DEPRM

SUBJECT: Zoning Item #262 Harris Property, 13123 Patuxent Road Zoning Advisory Committee Meeting of February 8, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

Additional information is needed from the applicant before the Department can complete the review of this zoning item. The applicant may contact the Environmental Impact Review Section of this Department of 887-3980 for details.

JLP:rmp

HARRIS.ZNG/GWRMP

altimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

PERUARY 3, 1993

(410) 887-3353

Kenneth R. Harris Baltimore, Maryland 21220

Re: CASE MIRREP: 23-247-A (Item 262) SE/S Patument Road, 600' ME of c/l of Oliverwood Road 15th Election District - 5th Councilmenic Legal Owner(s): Kenneth R. Harris

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 14, 1993. The closing date (March 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) great the requested relief, (b) dany the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the bearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.













